

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAYLEN RAPHAEL FELIX,
Minor.

MAYSSA ATTIA,

Petitioner-Appellee,

v

JOHNINE COLE,

Respondent-Appellant.

UNPUBLISHED
March 8, 2007

No. 271527
Macomb Circuit Court
Family Division
LC No. 2005-060333-NA

In the Matter of JACOB JAMAL FELIX, Minor.

MAYSSA ATTIA,

Petitioner-Appellee,

v

JOHNINE COLE,

Respondent-Appellant.

No. 271528
LC No. 2005-060334-NA

In the Matter of DANIELLE AMBER COLE,
Minor.

MAYSSA ATTIA,

Petitioner-Appellee,

v

JOHNINE COLE,

No. 271529
LC No. 2005-060335-NA

Respondent-Appellant.

In the Matter of GABRIELLE SKYYE COLE,
Minor.

MAYSSA ATTIA,

Petitioner-Appellee,

v

No. 271530

LC No. 2005-060336-NA

JOHNINE COLE,

Respondent-Appellant.

Before: Servitto, P.J., and Talbot and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from the lower court order terminating her parental rights to the four minor children pursuant to MCL 712A.19b(3)(a)(ii), (e), (f), (g), (i), (j) and (l). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Respondent is the mother of seven children. She has a 20-year history of crack cocaine, marijuana and alcohol abuse. In 1990, her parental rights to her oldest son were terminated. Her oldest two daughters were raised, in part, by guardians. The four youngest children at issue in this appeal have been in continual guardianships for at least a decade. Jaylen and Jacob have lived with their paternal grandmother in Michigan since 1995. Gabrielle and Danielle, 16-year-old twins, were placed in the care of a guardian when they were 11 months old. When they were seven years old, their paternal grandmother became the successor guardian and eventually relocated with the twins to Arizona. Pursuant to the guardianships, a court structured plan was developed which required certain actions on respondent's part. Respondent was required, among other things, to seek treatment for her substance abuse, obtain and maintain suitable income and housing, participate in individual counseling and submit random drug screens.

Between approximately 2000 and 2004, respondent had virtually no contact with her children. In 2005, she filed a petition in probate court to compel visitation and communication with them. She was unable to attend the May 2005 hearing on the petition, however, because she was jailed on outstanding warrants and child support arrearages. In respondent's absence, the petition was denied. Shortly thereafter, petitioner filed a petition seeking termination of respondent's parental rights. At the time of the termination hearing, respondent did not have

suitable housing or sufficient income. Although she claimed to have been clean and sober for the previous 18 months, she had not been in drug treatment consistently, nor had she provided random drug screens. Respondent had not emotionally or financially supported her children for years. Furthermore, contact with the children had been disruptive. The twins had no desire to pursue a relationship with respondent. In the past, the boys had behavioral issues following contact with her and their special needs required that they be in a stable environment with consistent parenting. At the conclusion of the hearing, the trial court granted the petition and terminated respondent's parental rights.

The trial court did not clearly err in finding a statutory basis for termination of respondent's parental rights given the above facts, which include longstanding drug and alcohol abuse, long-term failure to parent her children, and failure to comply with the court structured plan developed as part of the guardianship proceedings. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Further, the trial court did not clearly err in finding that there was no evidence that termination would not be in the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 344. Rather than being a source of comfort to the children, respondent's continued sporadic presence in the children's lives was sure to cause turmoil, confusion and upheaval.

Affirmed.

/s/ Deborah A. Servitto

/s/ Michael J. Talbot

/s/ Bill Schuette